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Attorneys for Defendants  
SMITHKLINE BEECHAM CORPORATION d/b/a  
GLAXOSMITHKLINE and McKESSON  
CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

RICHARD BOWLES; SAMUEL  
CANTEY; LUTHER CAULDER;  
JERLEAN CONWAY; ROBERT COX;  
HAROLD DUREN; ROGER INGRAM;  
ANN MCGARY; ALAN ORLOMOSKI;  
INEZ ORTIZ; MARLINE RANDALL; and  
BETTY WITHROW,

Plaintiffs,

v.

SMITHKLINE BEECHAM  
CORPORATION d/b/a  
GLAXOSMITHKLINE and McKESSON  
CORPORATION,

Defendants.

Case No.

**NOTICE OF PENDENCY OF OTHER  
ACTION OR PROCEEDING**  
[CIV. L.R. 3-13]

Pursuant to Civil L.R. 3-13, defendants SMITHKLINE BEECHAM  
CORPORATION d/b/a GLAXOSMITHKLINE ("GSK") and McKESSON  
CORPORATION ("McKesson") submit the following Notice of Pendency of Other  
Action or Proceeding:

On October 16, 2007, the Judicial Panel on Multidistrict Litigation ("JPML")  
created MDL 1871, *In re Avandia Marketing, Sales Practices and Products Liability*  
*Litigation*, directing that then-pending Avandia®-related cases be transferred and

1 coordinated for pretrial proceedings in the United States District Court for the Eastern  
 2 District of Pennsylvania, before the Honorable Cynthia M. Rufe, pursuant to 28 U.S.C.  
 3 §1407. To date, nearly 33 cases have been transferred to MDL 1871, and transfers of  
 4 additional "tag-along" actions are pending. GSK seeks the transfer of this action to MDL  
 5 1871. Pursuant to Civil L.R. 3-13, GSK therefore respectfully requests that this Court  
 6 stay this action, pending a decision on transfer by the JPML, to achieve judicial  
 7 economies that underlie 28 U.S.C. Section 1407 (Multi-District Litigation Procedures)  
 8 and to avoid conflicts, conserve judicial resources, and promote an efficient  
 9 determination of the action.

10 GSK removed to this Court, the following actions, several of which have been  
 11 conditionally transferred to MDL 1871, entitled:

- 12 1. *Bone, Dorothy, et al. v. SmithKline Beecham Corporation d/b/a*  
 13 *GlaxoSmithKline and McKesson Corporation*, United States District Court for the  
 14 Northern District of California, Case No. CV 07 5886 MHP, Judge Marilyn H. Patel,  
 15 conditionally transferred to MDL 1871 on December 4, 2007;
- 16 2. *Fisher, George v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*  
 17 *and McKesson Corporation*, United States District Court for the Northern District of  
 18 California, Case No. CV 07 5889 MHP, Judge Marilyn H. Patel, conditionally transferred  
 19 to MDL 1871 on December 4, 2007;
- 20 3. *Hall, James v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*  
 21 *and McKesson Corporation*, United States District Court for the Northern District of  
 22 California, Case No. CV 07 5887 MHP, Judge Marilyn H. Patel, conditionally transferred  
 23 to MDL 1871 on December 4, 2007;
- 24 4. *Hefner, Rose et al. v. SmithKline Beecham Corporation d/b/a*  
 25 *GlaxoSmithKline and McKesson Corporation*; United States District Court for the  
 26 Northern District of California, Case No. CV-07-6050 JL, Judge James Larson, request  
 27 for transfer to MDL 1871 pending;
- 28 5. *Jefferson, James v. SmithKline Beecham Corporation d/b/a*

1 *GlaxoSmithKline and McKesson Corporation*, United States District Court for the  
 2 Northern District of California, Case No. CV 07 5888 MHP, Judge Marilyn H. Patel,  
 3 conditionally transferred to MDL 1871 on December 4, 2007;

4 6. *Thornton, Hector v. SmithKline Beecham Corporation d/b/a*  
 5 *GlaxoSmithKline and McKesson Corporation*, United States District Court for the  
 6 Northern District of California, Case No. CV 07 5890 MHP, Judge Marilyn H. Patel,  
 7 conditionally transferred to MDL 1871 on December 4, 2007;

8 7. *Upshaw, Ivan v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*  
 9 *and McKesson Corporation*, United States District Court for the Northern District of  
 10 California, Case No. CV 07 5891 MHP, Judge Marilyn H. Patel, conditionally transferred  
 11 to MDL 1871 on December 4, 2007.

12 Please take note that, in addition to MDL 1871, the following state court actions  
 13 also allege marketing, sales practice and/or product liability claims against SmithKline  
 14 Beecham Corporation d/b/a GlaxoSmithKline, related to the use of the prescription drug  
 15 Avandia:

16 1. *Hunter, Raymond v. GlaxoSmithKline et al.*, Court of Common Pleas,  
 17 Philadelphia County, No. 000574;

18 2. *Kozar, Agnes, Kozar, Francis A. (Estate of) v. GlaxoSmithKline, PLC*,  
 19 Court of Common Pleas, Philadelphia County, No.004897;

20 3. *Lloyd, Linda, Lloyd, Michael (Estate of) v. Smithkline Beecham*  
 21 *Corporation d/b/a GlaxoSmithKline*, Third Judicial Circuit, Salt Lake County, Utah, Case  
 22 No. 070913924;

23 4. *Mussman, Gustave; Mussman, Donna v. GlaxoSmithKline, PLC, and*  
 24 *GlaxoSmithKline USA*, Court of Common Pleas, Philadelphia County, No. 001073;

25 5. *Parks, Josephine v. SmithKline Beecham Corporation, et al.*, Court of  
 26 Common Pleas, Philadelphia County, No. 001670;

27 6. *Perrenot, Preseton v. SmithKline Beecham Corporation d/b/a*  
 28 *GlaxoSmithKline*, Court of Common Pleas, Philadelphia County, No. 002454; and

1 7. *Self, Joe v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline*, Court  
2 of Common Pleas, Philadelphia County, No. 002457.

3  
4 Dated: December 13, 2007

DRINKER BIDDLE & REATH LLP

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